

REMARKS

In response to the objection to the drawings under 37 C.F.R. §1.83(a) as set forth in item 2 of the Office Action, Claim 5 has been cancelled. Accordingly, this ground of rejection has been rendered moot.

Claims 4-8 have been rejected under 35 U.S.C. §112, second paragraph, based on certain formal issues identified in item 4 on page 3 of the Office Action. In response to these grounds of rejection, Applicants have amended the claims in a manner which addresses and is believed to resolve each of the cited formal issues. Accordingly, reconsideration and withdrawal of this ground of rejection are respectfully requested.

Claims 4-8 have been rejected under 35 U.S.C. §103(a) as unpatentable over Queveau et al (U.S. Patent No. 6,131,988) in view of Guillez et al (Published U.S. Patent Application No. 2004/0041436, now published as U.S. Patent No. 6,786,527). However, for the reasons set forth hereinafter, Applicants respectfully submit that all claims which remain of record in this application distinguish over the cited references, whether considered separately, or in combination.

The present invention is directed to a hardtop structure for a convertible vehicle. In particular, the invention provides a convertible vehicle with a

hardtop that includes at least three roof parts, in which the hardtop requires as little space as possible when stowed in the trunk. For this purpose, when the top is moved from a closed (top up) position to an open (top down) position, the rear window, which is articulated in relation to the C pillars, is rotated relative to the C pillars as they themselves rotate rearward toward the trunk, ultimately assuming a position in which it lies within the curvature, and in the same direction, as the central roof part. Moreover, in order to achieve a further saving of space, the forwardmost portion of the top is moved into a position which is either between the backrest portion of the rear vehicle seat and the vehicle fuel tank or along the vehicle fuel tank, and behind it relative to the forward direction of travel of the vehicle. This arrangement achieves an extremely efficient use of space within the trunk when the top is in the stowed position, by moving the forwardmost portion of the top into a position relative to the vehicle fuel tank, which minimizes the amount of space necessary to accommodate both of those components.

Each of the independent claims has been amended to recite the latter feature of the invention. In particular, Claim 1, which is representative has been amended to provide specifically that in the open roof position, the front roof part assumes a position which is "one of i) between a backrest of a rear vehicle seat and a vehicle fuel tank, and ii) along the vehicle fuel tank and behind the same, relative to a forward direction of travel". The latter feature of the invention is

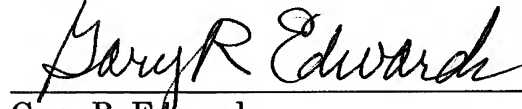
neither taught nor suggested by the cited references. The Queveau et al reference in particular does not include a part which corresponds to the front roof part three in the present application. Accordingly, it does not teach or suggest that in the open roof position, the front roof part assumes a position such as described above. Moreover, the Guillez et al reference merely shows the forwardmost portion of the vehicle top 3 in a forward position relative to the direction of travel of the vehicle. However, Guillez et al does not disclose the position of this forwardmost portion of the top relative to the vehicle fuel tank, such as recited in independent Claims 4, 7 and 8. Accordingly, it does not achieve the space saving advantage provided by the present application which coordinates the position of the forwardmost top component with both the backrest of the rear vehicle seat and the vehicle fuel tank. As noted previously, the specific orientation defined in these claims achieves an extremely efficient use of space within the vehicle trunk, which is not achieved by the cited references.

In light of the foregoing remarks, this application should be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

Serial No. 10/563,335
Amendment Dated: August 10, 2007
Reply to Office Action Mailed: April 10, 2007
Attorney Docket No. 095309.57217US

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #095309.57217US).

Respectfully submitted,

A handwritten signature in cursive script that reads "Gary R. Edwards". The signature is written in dark ink and is positioned above a horizontal line.

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